

SENATE JOINT RESOLUTION 891
By McNally

A RESOLUTION condemning the 9th U.S. Circuit Court of Appeals' decision finding the recitation of the Pledge of Allegiance in public schools to be unconstitutional.

WHEREAS, on June 26, 2002, the 9th U.S. Circuit Court of Appeals declared that reciting the Pledge of Allegiance in public schools is unconstitutional because of the words "under God" inserted by the U.S. Congress in 1954; and

WHEREAS, In a 2-1 decision, the 9th U.S. Circuit Court of Appeals ruled that the phrase "one nation under God" amounts to a government endorsement of religion in violation of the separation of church and state provisions of the U.S. Constitution; and

WHEREAS, this poorly reasoned ruling, if allowed to stand, would mean children could no longer recite the Pledge of Allegiance as part of their regular school day, at least in the nine Western states in which the 9th U.S. Circuit Court of Appeals has jurisdiction; and

WHEREAS, this disturbing decision calls into question the use of our national motto, "In God We Trust" on U.S. currency, the public singing of patriotic songs like *God Bless America*, and numerous other texts and ceremonies that reflect this nation's collective history and heritage; and

WHEREAS, God and the government have peacefully co-existed in our nation for over two hundred twenty-five years, and the free exercise of religion is the very cornerstone of the U.S. Constitution; and

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WHEREAS, God also plays a prominent role in our National Anthem, *The Star Spangled Banner* and The Declaration of Independence; and

WHEREAS, closer to home, God is mentioned in Tennessee's official state songs, *My Tennessee* and *Tennessee* and the Tennessee State Constitution; and

WHEREAS, the United States Supreme Court begins each of its sessions with the phrase, "God save the United States and this honorable court"; and

WHEREAS, for many years and on numerous occasions, the U.S. Supreme Court has held that references to God in our national life do not rise to the level of establishment of religion because such references have become part of the fabric of our collective history; and

WHEREAS, in light of the U.S. Supreme Court's previous rulings, there can be little doubt that the 9th U.S. Circuit Court of Appeals' decision will eventually be overturned; still, this decision is deeply disturbing, because it so contrary to mainstream American thought and the most cherished traditions of our nation; and

WHEREAS, the 9th U.S. Circuit Court of Appeal's decision is especially unfortunate in light of the terrorist attacks of September 11, 2001, and the continuing terrorist threats against America; and

WHEREAS, in the aftermath of this tragedy and the dawning of a new, less secure world in the 21st century, Americans are seeking an enhanced sense of community and a renewed sense of spirituality as we look to God to help us overcome and then forgive our enemies; and

WHEREAS, the Pledge of Allegiance is one of the most treasured and respected traditions of our Republic, "One Nation Under God," and should be fiercely defended by the institutions of our government; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, That this General Assembly condemns the 9th U.S. Circuit Court of Appeals' decision finding the recitation of the Pledge of Allegiance in public schools to be

unconstitutional, and most fervently urges the U.S. Supreme Court to overturn this ridiculous decision.

BE IT FURTHER RESOLVED, That an enrolled copy of this resolution be transmitted to the 9th U.S. Circuit Court of Appeals and the U.S. Supreme Court.